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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,940	12/03/2003	Chiyoko Matsumi	MTS-3582US	4467
52473 RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482	7590 04/30/2007		EXAMINER SHIH, HAOSHIAN	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/725,940	Applicant(s) MATSUMI ET AL.	
	Examiner Haoshian Shih	Art Unit 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20070425</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims 1-18 are pending in this application and have been examined in response to application filed on 12/03/2003 with the benefit of priority date of 12/03/2002.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2 and 4-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nonaka et al. (Nonaka, US 6,614,732 B2).**

4. As to **INDEPENDENT** claim 1, Nonaka discloses a recording and reproducing system comprising: a record medium holding a plurality of data files of storing predetermined data and also holding a plurality of play list files of storing a play list describing reproduction order (col.9, lines 44-45; "order of reproduction") of said plurality of data files (col.9, lines 36-44; the hard disk stores and manages play lists and data files); play list file menu storing means of storing a play list file menu which is information of selecting a predetermined play list file of said plurality of play list files in a play list file menu file held on said record medium (col.3, lines 62-66; fig.11(a) and fig.11(b) indicates a structure of play lists) ; play list file menu display means of

displaying to the outside play list file menu information on all or a part of said stored play list file menu (fig.12, "24"; col.10, lines 48-53; a menu of play lists are displayed); play list file selecting means of selecting said predetermined play list file according to an instruction from the outside (fig.12 "23c"; col.10, lines 35-40; a jog dial is provided for the user to select different play lists); and data reproducing means of reproducing the predetermined data stored by said plurality of data files respectively by using said reproduction order based on said selected play list file (fig.12, "23f"; col.10, lines 45-47; "hard disc recording button").

5. As to **INDEPENDENT** claim 5, Nonaka discloses a recording apparatus comprising play list file menu storing means of storing a play list file menu which is information of selecting a predetermined play list file of a plurality of play list files of storing a play list describing reproduction order (col.9, lines 44-45; "order of reproduction") of a plurality of data files of storing predetermined data in a play list file menu file held by a record medium holding said plurality of data files and also holding said plurality of play list files (col.2, lines 55-57; both data files and play list files are stored on the hard-disc device).

6. As to **INDEPENDENT** claim 7 Nonaka discloses a reproducing apparatus comprising: play list file menu display means of displaying to the outside play list file menu information on all or a part of a play list file menu which is information of selecting a predetermined play list file of a plurality of play list files of storing a play list describing

reproduction order of a plurality of data files of storing predetermined data, said play list file menu stored in a play list file menu file held on a record medium holding said plurality of data files and also holding said plurality of play list files (fig.12, "24"; col.10, lines 48-53); play list file selecting means of selecting said predetermined play list file according to an instruction from the outside (fig.12, "23c", col.10, lines 35-40); and data reproducing means of reproducing the predetermined data stored by said plurality of data files respectively by using said reproduction order based on said selected play list file (fig.12, "23f", col. 10, lines 45-47).

7. As to **INDEPENDENT** claim 8 Nonaka discloses a record medium holding a plurality of data files of storing predetermined data and also holding a plurality of play list files of storing a play list describing reproduction order (col.9, lines 44-45; "order of reproduction") of said plurality of data files, and further holding a play list file menu file of storing a play list file menu which is information of selecting a predetermined play list file of said plurality of play list files (col.9, lines 36-44; the hard disk stores and manages play lists and data files).

8. As to **INDEPENDENT** claim 10, Nonaka discloses a recording and reproducing method comprising: a play list file menu storing step of storing a play list file menu which is information of selecting a predetermined play list file of a plurality of play list files of storing a play list describing reproduction order (col.9, lines 44-45; "order of reproduction") of a plurality of data files of storing predetermined data in a play list file

menu file held on a record medium holding said plurality of data files and also holding said plurality of play list files (col.2, lines 55-57; both data files and play list files are stored on the hard-disc device); a play list file menu display step of displaying to the outside play list file menu information on all or a part of said stored play list file menu (fig.12, "24"; col.10, lines 48-53); a play list file selecting step of selecting said predetermined play list file according to an instruction from the outside (fig.12, "23c", col.10, lines 35-40); and a data reproducing step of reproducing the predetermined data stored by said plurality of data files respectively by using said reproduction order based on said selected play list file(fig.12, "23f", col. 10, lines 45-47).

9. As to **INDEPENDENT** claim 11, Nonaka discloses a recording method comprising a play list file menu storing step of storing a play list file menu which is information of selecting a predetermined play list file of a plurality of play list files of storing a play list describing reproduction order (col.9, lines 44-45; "order of reproduction") of a plurality of data files of storing predetermined data in a play list file menu file held on a record medium holding said plurality of data files and also holding said plurality of play list files (col.2, lines 55-57; both data files and play list files are stored on the hard-disc device).

10. As to **INDEPENDENT** claim 12, Nonaka discloses a reproducing method comprising: a play list file menu display step of displaying to the outside play list file menu information on all or a part of a play list file menu (fig.12, "24"; col.10, lines 48-53;

a menu of play lists are displayed) which is information of selecting a predetermined play list file of a plurality of play list files of storing a play list describing reproduction order (col.9, lines 44-45; "order of reproduction") of a plurality of data files of storing predetermined data, said play list file menu stored in a play list file menu file held on a record medium holding said plurality of data files and also holding said plurality of play list files; a play list file selecting step of selecting said predetermined play list file according to an instruction from the outside; and a data reproducing step of reproducing the predetermined data stored by said plurality of data files respectively by using said reproduction order based on said selected play list file (col.2, lines 55-57; both data files and play list files are stored on the hard-disc device).

11. As to **INDEPENDENT** claim 13 is similar to claim 10, it is rejected under the same rationale.

12. As to **INDEPENDENT** claim 14 similar to claim 11, it is rejected under the same rationale.

13. As to **INDEPENDENT** claim 15 similar to claim 12, it is rejected under the same rationale.

14. As to **INDEPENDENT** claim 16 similar to claim 13, it is rejected under the same rationale.

15. As to **INDEPENDENT** claim 17 similar to claim 14, it is rejected under the same rationale.

16. As to **INDEPENDENT** claim 18 similar to claim 15, it is rejected under the same rationale.

17. As to claim 2, Nonaka discloses wherein said play list file menu display means displays said play list file menu information in consideration of a type of said predetermined data reproducible by said data reproducing means (col.2, lines 39-42; the "identification information" provides the necessary means for the reproducing means to function properly).

18. As to claim 4, Nonaka discloses wherein said play list file menu display means displays said play-list file menu information by using predetermined text data on all or a part of said play list (fig.12, "24", col.8, lines 2-4; text information from the play list is displayed).

19. As to claims 6 and 9, Nonaka discloses the play list file menu information on all or a part of said stored play list file menu is displayed to the outside (fig.12, "24"; col.10, lines 48-53), said predetermined play list file is selected according to an instruction from the outside (fig.12, "23c", col.10, lines 35-40), and the predetermined data stored by

said plurality of data files respectively is reproduced by using said reproduction order based on said selected play list file (fig.12, "23f", col. 10, lines 45-47).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**21. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of Proehl et al (Proehl, US 6,118,450).**

22. As to claim 3, Nonaka does not disclose wherein said play list file menu display means displays said play list file menu information by using a thumbnail image changing according to a state in which said play list file selecting means selects said predetermined play list file.

In the same field of endeavor, Proehl discloses using thumbnail images to represent each of the play list file (fig.2 "440"; "TEXT W/ THUMBNAIL").

It would have been obvious to one of ordinary skill in the art, having the teaching of Nonaka and Proehl before him at the time the invention was made, to modify the playlist

manipulation taught by Nonaka to include thumbnail images taught by Proehl with the motivation being to present an image association with a particular genre (Proehl, col.4, lines 3-5).

### **Conclusion**

23. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

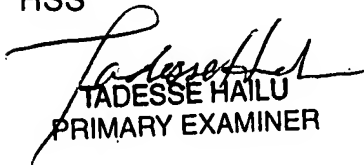
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

  
TADESSE HAILU  
PRIMARY EXAMINER